

Message

From: Mutter, Andrew [mutter.andrew@epa.gov]
Sent: 10/30/2018 8:33:37 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: FW: Compilation 10/30/18

From: Agarwal, Ilena
Sent: Tuesday, October 30, 2018 2:33:25 PM (UTC-07:00) Mountain Time (US & Canada)
To: AO OPA OMR CLIPS
Subject: Compilation 10/30/18

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Chemical Watch: EPA withdraws rulemaking for 29 Snurs

<https://chemicalwatch.com/71330/epa-withdraws-rulemaking-for-29-snurs>

30 October 2018 / Substance notification & inventories, TSCA, United States

The US EPA has withdrawn 29 TSCA significant new use rules (Snurs) issued under direct final rulemakings in response to adverse comments.

The EPA initially issued the rules in two batches – one on 19 Snurs, and a second covering ten others – on 27 August.

The Snurs cover a variety of new substances approved for commerce with certain restrictions. They are intended to extend the requirements imposed by each substance's consent order to others who intend to use the chemical in the future. Without a Snur, the consent orders are only binding on the original pre-manufacture notice submitter (PMN).

Four comments were received for the batch of ten, and eight were received for the batch of 19 before the 26 September comment deadline.

The Environmental Defense Fund (EDF) raised concerns over both batches, which were largely procedural and semantic in nature. The Physicians Committee for Responsible Medicine (PCRM), meanwhile, took issue with the testing on vertebrate animals requirements set by certain rules in both.

The American Chemistry Council (ACC) submitted comments on the batch of 19 Snurs, which covered several isocyanate-based substances. The trade group primarily sought clarity on the regulations' scope, although they also argued that the EPA should defer worker protections contained within the Snurs to the Occupational Safety and Health Administration (Osha) and eliminate a record-keeping provision.

Rulemaking process

Direct final rules can be used to move forward non-controversial regulations on an expedited timeline. But if and when they are met with significant adverse comment, the EPA must withdraw them and start the proposed rulemaking process.

However, in this case, the EPA issued both the direct rule and the proposal simultaneously. This somewhat novel practice has raised questions about whether or not the agency will reopen the comment period for the original proposal.

As of publication, the EPA has not done so for the two proposed rules. In the case of the batch of 145 Snurs issued in August and withdrawn in September, however, the comment period was reopened within a few weeks.

OCJ: EPA rule exempts farms from emissions reporting

<http://ocj.com/2018/10/epa-rule-exempts-farms-from-emissions-reporting/>

October 30, 2018

The U.S. Environmental Protection Agency proposed a rule exempting livestock farmers from reporting to state and local authorities the routine emissions from their farms.

“The rule announced today is the final piece in the implementation of the FARM Act, which passed Congress earlier this year and which eliminated the need for livestock farmers to estimate and report to the federal government emissions from the natural breakdown of manure,” said Jim Heimerl, president of the National Pork Producers Council, a pork producer from Johnstown, Ohio. “That bipartisan measure was approved because it was unnecessary and impractical for farmers to waste their time and resources alerting government agencies that there are livestock on farms.”

The Fair Agricultural Reporting Method, or FARM, Act fixed a problem created last April when a U.S. Court of Appeals rejected a 2008 EPA rule that exempted farmers from reporting routine farm emissions under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Commonly known as the “Superfund Law,” CERCLA is used primarily to clean hazardous waste sites but also includes a mandatory federal reporting component.

The appeals court ruling would have forced tens of thousands of livestock farmers to “guesstimate” and report the emissions from manure on their farms to the U.S. Coast Guard’s National Response Center and subjected them to citizen lawsuits from activist groups.

EPA’s latest proposed rule would exempt farmers from reporting to state and local first responders under the federal Emergency Planning and Community Right-to-Know Act (EPCRA) — an adjunct to CERCLA — that they have “hazardous” emissions on their farms.

“The pork industry wants regulations that are practical and effective, but applying CERCLA and EPCRA to livestock farms would be neither,” Heimerl said. “Pork producers are very strong stewards of the environment and have taken many actions over the years to protect it.”

As evidence: The pork industry and other livestock sectors are working closely with state and local emergency response agencies to ensure they receive information about farms that is useful, and yesterday Smithfield Foods announced new projects to help the company reach its goal of reducing greenhouse gas emissions 25% by 2025.

The world’s largest pork producer and hog processor is expanding its “Smithfield Renewables” platform — its industry-leading carbon reduction and renewable energy efforts — to help meet that goal. It will implement over the next 10 years, for example, manure-to-energy projects at 90% of its hog finishing spaces in North Carolina and Utah and at nearly all finishing spaces in Missouri and convert existing anaerobic lagoons to covered digesters, or construct new covered digesters, to capture biogas.

Colorado Sun: The Front Range fails to meet federal standards for healthy air quality. Again.

The missed mark means Coloradans in the nine-county region may be breathing more ozone pollution than the EPA thinks they should

<https://coloradosun.com/2018/10/30/denver-air-quality-falls-short/>

Tamara Chuang OCT 30, 2018 5:15AM MDT

As a news piece, this article cites verifiable, third-party sources which have all been thoroughly fact-checked and deemed credible by the Newsroom in accordance with the Civil Constitution.

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Air quality in Denver and the northern Front Range worsened over the summer and the region missed an extended deadline to meet federal health standards, according to monitoring results by the state's Air Pollution Control Division.

That's bad news for Coloradans suffering from asthma and lung diseases, or young children whose lungs are still developing. The U.S. Environmental Protection Agency is expected to downgrade the Front Range region's ozone to "serious," which means stricter regulations will be imposed.

The nine-county region spanning from south of Denver nearly to the Wyoming border is not giving up on meeting the decade-old ozone standard, said Mike Silverstein, executive director of the Regional Air Quality Council, the air-quality planning agency for the Denver metro area.

"We thought we were getting close because during 2017, all our monitors were in compliance. But this summer, 2018, we blew it," Silverstein said. "It was really the meteorology. It was much warmer this summer. We can't control the weather. We can't control where we live. But we have to meet these standards because it's a human health issue."

There are many reasons why emissions continue to rise even as the state tries to curb them. The ozone standard has become more difficult to meet along the Front Range because of the growing population and the cars that came with the newcomers.

The mountains also can trap greenhouse gases along the Front Range. And there's pollution coming from outside the state, from more polluted areas like California and China.

Forest fires contribute particulates to the haze that makes us literally see pollution, but that's a different air quality standard.

The harsh reality for many outdoors-loving Front Range residents is that Colorado not only flunked the EPA standard set in 2015, but the state never met the older, less-strict standard from 2008. Everywhere else in the state, by the way, is doing just fine and in compliance, according to EPA records.

Left: Downtown Denver on July 10, 2018 at 1 p.m., a day when the Front Range was under an Ozone Action Day alert and the mountains were difficult to see. Those with health conditions were advised to stay indoors. Right: Downtown Denver on Oct. 17, 2018 at 1 p.m., a day with no air pollution advisories and good air quality. (Provided by Colorado Department of Public Health and Environment)

All those trapped gases take a toll on people's health, especially if they have lung diseases, such as asthma. The EPA says if it is met, the latest National Ambient Air Quality Standard will cut down on asthma attacks, premature deaths and

missed work or school days. The EPA estimates the public health benefits will save between \$2.9 billion to \$5.9 billion a year by 2025.

Of course, there's good ozone and bad ozone. The good one is the natural stratospheric layer of gases that protect Earth from the sun's harmful ultraviolet rays. But closer to the ground, gaseous emissions from cars, chemical plants and other sources release volatile organic compounds and oxides of nitrogen that mix with sunlight to create O₃, a gas with three atoms of oxygen. O₃ is unhealthy for humans to breathe.

What does it mean to be out of compliance? The newest EPA standard limits ozone pollution to no more than 70 parts per billion.

Some "nonattainment" days along the Front Range during the summer were in the mid- to high-80s ppb. The EPA allows areas to exclude the most extreme days when they calculate attainment. Even so, some Front Range locations had ozone pollution averages in the high-70s, including monitors at Rocky Flats, Chatfield State Park, west Fort Collins and the National Renewable Energy Laboratory near Golden. Only the station in Welby hit the attainable 69 when no days were excluded.

Healthwise, smoggy days can make your eyes burn and make it harder to breathe. Lung function can be reduced 10 to 15 percent, said Jonathan M. Samet, dean of the Colorado School of Public Health at the University of Colorado, Denver.

"I came here after nine years in L.A., where smog was invented," Samet said. "There are so many days there where your eyes burn or your throat burns. It's not like it used to be, but it's the same in Denver, where there were some days this summer you could see it and smell it."

Samet, who served as chair of the EPA's Clean Air Scientific Advisory Committee during the Obama administration, said the EPA regularly examines new studies to set public health standards. He added that the agency is supposed to consider only public health impact and not financial cost to implement a new standard.

"If nature works so that when you got below 80 and there were no adverse health effects, that would be great. You (then) set a standard at 75. But at 75, some people are still affected. So what would happen at 70," said Samet, explaining the thinking behind new EPA air quality standards. "Everybody deserves the protection required under the Clean Air Act. ... We've made a lot of progress in the nation, Colorado and Los Angeles. But we're never going to get to zero risk for air pollution. But certainly, we are doing a lot better than we were."

MORE: Check out an interactive map of air quality monitors in the U.S.

The amount of ozone pollution allowed has steadily declined. In the 1980s, the EPA allowed 120 parts per billion and then dropped it to 80 ppb in 1997. The 2008 standard lowered the amount to 75 ppb. Today, the rule from 2015 limits ozone pollution to 70 ppb.

But as with any health issue, some people are more sensitive to ozone pollution than others.

"The answer may be that if you're one of the people susceptible, you may notice," Samet said.

The state has worked to curb greenhouse gas emissions in the oil and gas industry by mandating increased oil-field inspections, which cut the number of methane leaks by 52 percent in two years ending in 2017.

Colorado also has one of the largest incentives — \$5,000 — for people to buy an electric vehicle. It's also using a large chunk of its VW emissions-cheating settlement to invest in charging stations. A move to join California's vehicle

emissions standard is also in the process after the one Colorado follows is expected to be frozen by the Trump administration.

The EPA is also working with the state to further reduce ozone emissions, said Rich Mylott, an EPA spokesman in Colorado. Potential areas include looking deeper at the oil and gas industries for areas currently unregulated, like venting and well cleanouts; encouraging voluntary changes in the composting and marijuana industries; and exploring emissions from consumer products and architectural coatings.

"EPA is working with the Colorado Department of Public Health and Environment as they continue to take action to reduce ozone along the Front Range. Our focus is on supporting the State as they implement existing air quality programs and identify additional opportunities to reduce emissions," Mylott said in an email.

There are emissions outside of the state's control. Conifers give off organic gases that react poorly with human pollution. Pollution from Asia or California or other polluted places outside state borders also contributes a small but measurable amount of greenhouse gases — from 1 to 5 ppbs, Silverstein estimated. The Regional Air Quality Council could ask the EPA to exempt these "international emissions" since it is out of Colorado's regulatory control.

However, that just helps the region get to the 2008 standard, he said. The bad air is still there. The council is focusing on getting air quality to meet the newest standard instead, or getting ozone pollution below 70 ppb. Plus, there are other urban areas, like Colorado Springs, that meet the new standard.

"We have to make plans to meet both standards. Forget about the administrative requirements. We need to reduce emissions to improve public health, and we are not meeting emission standards," Silverstein said. "We have less emissions today than five years ago. We need this downward trend to continue. More people moving in, more vehicles travel on our roads, more gasoline is being consumed and more oil and gas wells are going up.

"Getting to 70 by 2020 is very, very remote," he said. "It's a recognition of the fact, not a throw up our hands and give up. This motivates us to get to work."

Epoch Times: Air Quality Standards: An Ever-Changing Target

https://www.theepochtimes.com/air-quality-standards-an-ever-changing-target_2702367.html

BY RICHARD TRZUPEK, HEARTLAND INSTITUTE- October 30, 2018

My colleague Steve Milloy, curator of the invaluable common-sense website Junk Science, sent me a link to a press release issued by the Center for Biological Diversity (CBD) last week. The CBD's thundering press release cites a study that purports to demonstrate that the "University of North Carolina coal plant spews asthma-causing pollution."

Knowing that I am going on 35 years as an air quality expert in my day job, Milloy asked for my opinion of the study. The answer, to use the marvelous phrase Milloy coined, is that this is just another example of "scare pollution."

In their press release, the CBD described emissions from the coal-fired plant at UNC-Durham in the typical hysterical terms that environmental groups utilize when they issue a call to action.

The UNC emissions are supposedly "dangerous" and "toxic" and they "far exceed Clean Air Act limits." Perrin de Jong, described as a staff attorney for CBD, warned that continued operation of the coal-fired plant "means that students, staff and faculty can face air pollution at levels that can trigger dangerous asthma attacks, inflame lung diseases and even kill people."

These terrifying conclusions are based on a study conducted for the CBD by Lindsey Meyers, who identifies himself as a consultant who has an M.A. (2012) in Geography from California State University, Northridge. His study was titled "Air Dispersion Modeling Analysis for Verifying Compliance of Allowable Emissions with the One-Hour SO₂ and NO₂ NAAQS: UNC Manning and Cogeneration Power Plants."

Before we dive into the study itself, a bit of background is in order. Acronyms first:

SO₂: Sulfur dioxide, a pollutant primarily associated with acid-rain. U.S. emissions of SO₂, like emissions of virtually all air pollutants, have dropped enormously over the past 40 plus years.

NO₂: Nitrogen dioxide, a pollutant associated with respiratory issues. U.S. NO₂ emissions also have dropped enormously over the past four decades and industrial sources, like coal-fired power-plants, now contribute a relatively small part of national NO₂ emissions. NO₂ emissions are a fractional part of nitrogen oxides (NO_x) emissions that have been linked to asthma by some.

NAAQS: National Ambient Air Quality Standards. These are, in effect, the Environmental Protection Agency's (EPA) official definition of "clean air" with respect to the six criteria pollutants: sulfur dioxide, nitrogen dioxide, carbon monoxide, ozone, particulate matter, and lead. The criteria pollutants are the most common and their effects—with the exception of lead—are generally treated as chronic rather than acute. Pollutants whose impact may be acute are separately regulated as Hazardous Air Pollutants under Section 112 of the Clean Air Act.

Changing Goalposts

When establishing a NAAQS for a particular pollutant, the EPA considers the potential effect, with regards to human health and the environment, of particular concentrations of criteria pollutants in the air we breathe. However, NAAQS are moving targets.

Historically, when most of the nation has achieved compliance with a particular NAAQS for a particular pollutant, the EPA has simply raised the bar, retroactively claiming the old NAAQS was insufficiently protective of human health and the environment, and thus justifying implementing a new, more stringent NAAQS. This was common practice in both Democrat and Republican administrations.

In 2010, the Obama-era EPA implemented the most stringent NAAQS for NO₂, SO₂, and particulate matter less than 2.5 microns in diameter (PM-2.5) that had ever been contemplated. They were, and are, ridiculous standards, demanding a level of cleanliness that even “The Odd Couple’s” Felix Unger would find offensive. There are many good people working for the EPA and many of them privately, but never publicly of course, would acknowledge that the new NAAQS were designed to fail.

It was a subtle, but brilliant, maneuver designed to kill coal forevermore. I’m morally certain it was calculated to be such by Obama and his environmental director at the time: true believer Lisa Jackson. The locus of the strategy was the point that Meyer stumbled upon—or perhaps sought out—I don’t know which: dispersion modeling.

Under EPA rules, if a new project is large enough, it must perform computer dispersion modeling to show that emissions from the proposed project will never, ever violate a NAAQS for any criteria pollutant. Practically any new coal-fired power plant would be large enough to trigger the modeling requirement.

By setting the SO₂, NO₂, and PM-2.5 NAAQS ridiculously low, the EPA ensured that no proposed new coal-fired power plant, no matter how energy efficient or well controlled, could ever get through the modeling exercise. Game. Set. Match.

Meyers discovered the flip side of the impossible-to-attain standards: Apply them to an existing source and play the right modeling game and you can condemn virtually any source you want. We can perform the following exercise for any pollutant associated with UNC-Durham, but let’s use NO₂ emissions as an example.

The Data

The EPA publishes official nationwide emission data every three years as the National Emissions Inventory (NEI). The NEI identifies the sources of all air pollutant emissions and the amounts of air pollutants they emit. The last NEI officially published is dated 2014 (the 2017 data is still being audited).

According to the 2014 NEI, total NO_x emissions in North Carolina dropped from around 700,000 tons per year in 2002 to just over 300,000 tons per year in 2014. Most of those NO_x emissions are associated with mobile sources—cars, trucks, and the like—about 216,000 tons in 2014. The UNC-Durham campus contributed less than 300 tons of NO_x emissions in 2014, less than 0.1 percent of the state-wide total. If one is genuinely and unbiasedly interested in the big environmental picture, UNC-Durham is a very small fish in the pond.

The proof in this particular pudding is that Meyers could have run the same modeling exercise practically anywhere within a biscuit-toss of any combustion source in North Carolina and come up with same result: The source would be in violation of the ludicrous NO₂ NAAQS.

I’ve performed modeling runs with backyard barbeques, wood-fired fireplaces, natural gas-fired generators, and other everyday sources. The result is almost always the same—concentrations of criteria pollutants that vastly exceed today’s NAAQS for one or more criteria pollutants.

Given the fact that emission rates of criteria pollutants have been dropping so fast for so long in America, and given the fact that it is almost impossible for a combustion source to “pass” the sort of modeling exercises Meyers proposes, and given the fact that there is no correlation between increasing asthma rates in the United States and decreasing air pollution rates in the same time period, maybe it’s time to stop demonizing fossil fuels?

High Plains Journal: US regulatory actions and plan released

http://www.hpj.com/ag_news/us-regulatory-actions-and-plan-released/article_9adf46a8-d95f-11e8-84c9-9756e1ce734c.html

By Larry Dreiling Oct 30, 2018

The U.S. Office of Management and Budget's Office of Information and Regulatory Affairs Oct. 17 released the Fall 2018 Unified Agenda of Regulatory and Deregulatory Actions and Regulatory Plan, which provide updates to the public about regulatory activity.

Of note to agriculture, the U.S. Department of Agriculture, Environmental Protection Agency and Food and Drug Administration all released agenda items applicable to their departments. Many of the department administrators praised President Donald Trump for signing executive orders that start the process leading to regulatory change

"To date, under President Trump, EPA has finalized 28 major deregulatory actions saving Americans over \$1.6 billion and meeting the president's two-for-one regulatory order," said EPA Acting Administrator Andrew Wheeler. "We are providing the states and regulated community the regulatory certainty they need to advance new technologies, improve environmental protections, and enhance economic growth."

EPA's Fall 2018 Agenda of Regulatory and Deregulatory Actions shows continued progress in reducing regulatory burden as envisioned by Executive Order 13771. In the last fiscal year, EPA finalized 10 deregulatory actions and saved a total of \$1.2 billion in regulatory costs.

To date, under Trump, EPA has finalized 28 major deregulatory actions saving Americans over \$1.6 billion. For the next fiscal year, EPA has proposed a regulatory budget that anticipates saving a total of \$818 million in regulatory costs. Additionally, the Regulatory Agenda includes 45 actions that are expected to be deregulatory. Thirty-four actions will appear for the first time.

EPA's 2018 Regulatory Plan describes 25 priority actions it plans to propose or complete in the coming year, including:

A revised definition of "Waters of the United States;"

The Affordable Clean Energy Rule—Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units;

Revisions to Emission Guideline Implementing Regulations; and

Revisions to the New Source Review Program.

USDA rule changes

USDA has announced changes including to those to USDA's Freedom of Information Act regulations to farm program regulations to crop insurance and Supplemental Nutrition Assistance Program rules.

USDA's Food and Nutrition Service plans to revise regulations for quality control of Supplemental Nutrition Assistance Program benefits.

The rule change would attempt to improve the SNAP error rate, which reflects overpayments and underpayments, not fraud and abuse. The notice indicates the states report their error rates and there have been questions about the integrity of those state-collected statistics.

“There have been concerns about the SNAP QC process by not only its stakeholders, but FNS as well, primarily due to questions regarding the integrity of state collected error rate data that is used to develop SNAP’s national error rates,” a USDA statement said. “SNAP has been working diligently for several years to address these concerns and plans to move forward to reform components of its QC process to ensure the integrity of state-reported error rates.”

USDA’s Animal and Plant Health Inspection Service plans to revise its regulations regarding the importation, interstate movement and environmental release of certain genetically engineered organisms, USDA said.

APHIS said the revision is being planned “in order to update the regulations in response to advances in genetic engineering and APHIS’ understanding of the plant health risk posed by genetically engineered organisms, thereby reducing the burden for regulated entities whose organisms pose no plant health risks.”

FDA rule changes

The FDA list is contained with the report of the Health and Human Services Department, of which it is a subset, and contains drug rule changes and changes to food regulations.

“Specifically, we’re following up our earlier actions on partially hydrogenated oils in foods with a rulemaking that proposes to remove the remaining uses to further reduce deaths from coronary heart disease,” FDA Commissioner Scott Gottlieb said in a blog post. “We’re also working on updating the definition of the claim ‘healthy’ on food labels so it reflects current nutrition guidelines and to encourage its use.”

The food regulation proposals include a decision not to finalize a 10-year-old proposed rule that would require labeling of food that was refused entry to the United States, removing standards of identity for French dressing and cherry pie, and labeling of certain gluten-free foods.

“This is a down payment on a comprehensive effort to modernize food standards to reduce regulatory burden and remove old-fashioned barriers to innovation,” Gottlieb said. “To support this effort, we’ll also reopen the comment period on a proposed rule seeking to establish general principles to update the framework for standards of identity. In addition to standards of identity, there are statutory and regulatory provisions that relate to the naming of food products.”

Budget revisited

As the Regulatory Agenda was being released, Trump met with cabinet officials, telling them “to come back with a 5-percent cut for our next meeting. Some of you will say, ‘I can do much more than 5.’” Trump indicated earlier that the cuts would be “for next year.”

According to reports, USDA may try to cut funding to the crop insurance program, eliminate a green-payment program, or chop USDA research programs, if recent proposals are any indication. Crop insurance has been a target every time Trump has sent a budget package to Congress.

The Trump administration’s budget-cutting plans for next year may well include a test, or even a full-scale revival, of “America’s Harvest Box,” Secretary of Agriculture Sonny Perdue said.

Perdue faced a hail of criticism last spring for his proposal to send a box of canned and processed foods to SNAP recipients each month in lieu of half of the benefits they would otherwise spend at grocery stores. The proposal became known as “Blue Apron For The Poor.”

Asked if the Harvest Box would be part of USDA budget proposals for next year, Perdue replied, “I hope so, yes. Sure. At the least, I would hope that Congress will trust us with a pilot project. ... At least give us a chance to demonstrate the efficacy of that program.”

The USDA estimated last spring that it could save \$129 billion over 10 years with the Harvest Box through volume purchasing of foods such as cereal, pasta, peanut butter, beans, and canned meats, fruits and vegetables. It planned on shipping the box to 80 percent of SNAP recipients.

“I think it’s a great idea, frankly,” said Perdue, who was credited with the concept. “With our SNAP recipients, we think they can have fresh fruits and vegetables and a good value meal cheaper than we are providing it now.”

The Western News: COMMISSIONERS PRESS FOR MEETING WITH EPA REGIONAL ADMINISTRATOR

https://www.thewesternnews.com/local_news/20181030/commissioners_press_for_meeting_with_epa_regional_administrator

By JOHN BLODGETT | October 30, 2018 at 5:00 am

Anxious to resolve its outstanding Libby Asbestos Superfund site concerns, the Lincoln County Commission is pressing for a meeting with Doug Benevento, Region 8 administrator for the Environmental Protection Agency.

The meeting request, made in a letter dated Oct. 24, outlines several issues the commissioners previously have raised and reflects their frustration that the issues remain unresolved.

"Several of these topics were raised in our meeting in Libby with the Lincoln County Commissioners and others on June 4, 2018," the letter states. "All of the topics have been raised with EPA staff at varying levels."

The topics include long-term funding for the Superfund site's operations and maintenance, future administration of Libby's Public Health Emergency, the status of an EPA investigation into potential improper use of grant funds, and where financial responsibilities lie for any future cleanup issues.

The June 4 meeting took place during Benevento's first visit to Libby since becoming administrator in October 2017. Various EPA and local officials attended.

At the meeting, Commissioner Mark Peck discussed what he called a lack of clarity in the EPA's Record of Decision for the Superfund site concerning who is responsible for the monitoring and maintenance, and any associated costs, of the cleanup remedy the agency has spent years putting in place.

Peck also referred to a position statement the City-County Board of Health released in February asserting that "property owners will not bear the cost of any future issues" related to the site.

In response, Benevento indicated he understood concerns local officials and residents have, and brought up a principle he referred to as "delta" as a possible way to formally address those concerns.

"The 'delta' concept ... is a general principle we will apply going forward to make sure we develop institutional controls and (operation and maintenance) processes that account for any additional incremental homeowner costs associated with safely managing asbestos," Rich Mylott, EPA Region 8 spokesperson, later explained in an email to The Western News.

In their letter, the commissioners requested that by year's end a one- or two-day meeting be scheduled.

Montana DEQ asks EPA to drop air quality designation for East Helena following cleanup

https://helenair.com/news/local/montana-deq-asks-epa-to-drop-air-quality-designation-for/article_e61af480-6d2e-56b4-9ab3-b593cc4304cc.html

TOM KUGLIN tom.kuglin@helenair.com 2 hrs ago 0

When East Helena Mayor Jamie Schell grew up in the town built in the shadow of the former Asarco lead smelter, emissions from the plant were something residents were keenly aware of.

“The air was not very clean and it was just something we dealt with when we went outside,” he said.

A lead smelter first began operating in East Helena in the late 1880s, undergoing various expansions over the years that saw construction of several smokestacks and the slag pile. The plant was a major economic driver — at one point comprising more than half of the local tax base — but industrial pollution contaminated air, soil, and surface and ground water.

Sulfur dioxide and lead present in the air prompted the Environmental Protection Agency to twice designate East Helena’s air quality as noncompliant, once in 1979 and again in 1991. While Asarco installed emission controls that improved air quality to “attainment” standards before the plant shuttered in 2001, the town remains listed by the EPA 17 years later.

Late last week, the Montana Department of Environmental Quality submitted a formal request to the EPA to redesignate East Helena’s air quality under National Ambient Air Quality Standards.

“Asarco had already done a lot to reduce pollution, which brought the area back into compliance, and following the closure of the facility there have been no other sources contributing to air quality issues,” said DEQ air quality bureau chief Dave Klemp. “DEQ has gathered and analyzed data for multiple years to make this determination, and the science demonstrates this redesignation is warranted.”

When asked why East Helena was not already redesignated, given more than 17 years of meeting air quality standards, DEQ spokeswoman Karen Ogden said that the process is resource-intensive, time-consuming and requires extensive data gathering, demonstrations and analysis. Redesignating areas that meet environmental standards has become a priority for both state and federal agencies, she said.

The slag pile is one of the last remnants of the Asarco led smelter that operated in East Helena for more than a century.

The news was welcomed by Schell, who felt the process for removing a listed area is not very clear, but appreciates the rigidity of the analysis needed to ensure public safety.

“I couldn’t be more happy that the DEQ is moving forward to get us removed since the plant no longer exists,” he said. “This is a really long time coming.”

DEQ and East Helena are not the only entities pushing the EPA to redesignate East Helena. In June the Lewis and Clark County Commission sent a letter to EPA also requesting the area be designated as attaining air quality standards.

“We are excited that this redesignation is moving forward and what it means for East Helena,” Commissioner Andy Hunthausen said. “Public health is always a top priority, and the economic benefits are an added bonus. “Lewis and Clark County continues to be involved in the cleanup as we get closer to completion.”

Schell hopes the removal, which could take a year or more, will help attract economic development in East Helena. Although not every company looks at factors such as air quality designations, some do, and he is looking forward to removing that label.

Chris Dorrington, DEQ air energy and mining administrator, noted that regulations for industry in noncompliant areas are more stringent, with the goal of not further impacting compromised air quality.

“While still protective of the environment, the new status will make it easier for new businesses to operate in the East Helena community,” Dorrington said. “This action demonstrates that following the laws to ensure a clean environment can be balanced with economic development in Montana.”

The area will remain under a maintenance plan to protect air quality into the future, according to DEQ.

Energy news: Study: Ohio and Pennsylvania would lose lots from clean air rollbacks

<https://energynews.us/2018/10/30/southeast/study-ohio-and-pennsylvania-would-lose-lots-from-clean-air-rollbacks/>

BY Kathiann M. Kowalski- October 30, 2018

Areas of Ohio that benefited the most from the Clean Air Act's cross-state and mercury rules were primarily white and backed Trump in 2016, researchers report.

Rollbacks of air pollution rules for power plants could have the harshest health impacts on people in Ohio and Pennsylvania who supported Trump over Clinton in the 2016 presidential election, reports a new study. Other eastern states would suffer significant impacts as well.

Researchers at the University of Virginia calculated the potential downside in 20 states if the Trump administration dismantles the Clean Air Act's transport and mercury air toxics rules. The study is in the December 2018 issue of Energy Policy.

"Something like 17,000 to 39,000 premature deaths are avoided for every year that we stay at current emissions rather than emissions before these two rules were adopted," said Vivian Thomson, a recently retired professor of environmental sciences and politics at the University of Virginia. Thomson worked on the analysis along with environmental scientists Dominique Ong and Kelsey Huelsman.

What did the study do?

The study included 19 eastern states plus Texas and focused on rules restricting cross-state pollution and limiting emissions of mercury and other toxic compounds. The researchers used U.S. Environmental Protection Agency data and tools to compare pre-recession power plant emissions in 2007 before the rules to actual levels in 2016. The group also mapped the results and compared them to data on demographics and voting patterns.

What did the study find?

Levels of fine particulates in the air improved significantly after the rules were implemented, especially in areas of Ohio and Pennsylvania. Those gains would be lost if the rules are weakened or not enforced and emissions returned to prior levels. Particulate pollution is the fourth leading cause of death worldwide. It contributes to more than 6 million deaths per year, primarily through heart attacks, strokes, lung disease and other ailments.

What does the analysis show about Ohio?

Eighteen of the top 50 counties that benefited the most from the EPA rules are in Ohio, Thomson said. Other coal-producing states that have had cleaner air as a result of the rules include Pennsylvania, Virginia, Illinois, Indiana, Alabama and West Virginia.

Most areas of Ohio that would have worse air quality in the pre-rule scenario have a majority of white people and primarily supported Trump over Clinton in the 2016 presidential election. Similar effects were found in several other states.

Where did the rules come from?

Both rules were required by the Clean Air Act amendments of 1990. Due to challenges and delays, however, they were not finalized and implemented for more than 20 years.

Why did the researchers do the study?

Rollbacks of both rules were part of an “action plan” wish list submitted by Murray Energy Corporation to the Trump administration in March 2017. Thomson’s group began work on its study that summer. “I saw that it looked as if the Trump administration was working its way through [the list],” she said.

Why worry about rollbacks if power plants have already complied with the rules?

Plant owners and operators “are rational actors,” Thomson said. “If you can cut costs, you cut costs.” In her view, companies can’t be counted on to maintain pollution controls if rules are weakened or not enforced.

Some coal plants have already closed or converted to natural gas. So did the study overstate the possible downside from rolling back the rules?

No. “We did not take closed plants and reopen them in our rollback scenario,” Thomson noted. Likewise, the group assumed that converted plants would not go back to coal.

What’s the current status of the cross-state pollution rule?

On October 3, counsel for the Department of Justice argued in support of the rule before the D.C. Circuit Court of Appeals, along with lawyers for environmental groups and six states. In September, however, the Environmental Protection Agency refused to take other action to stop cross-state pollution, which the states of Maryland and Delaware claimed was making their people sick.

What’s the current status of the mercury rule?

On September 30, EPA proposed weakening the mercury rule to exclude health-based “co-benefits” from it and other regulations. Co-benefits are advantages achieved from reductions in other types of emissions besides those directly regulated by a rule.

Do those co-benefits matter?

A lot, according to the new study — especially in coal producing counties and those with coal-fired power plants.

The EPA itself has used particulate pollution to estimate health impacts of various rules, Thomson noted. Also, not all health impacts can be easily calculated. Mercury emitted by power plants goes into the air and eventually falls on water or land, she noted. From there it gets into different species and can wind up in food. Eating that food can cause neurological and other harm to people. That harm may be hard to calculate, but it is very real, she said.

What do environmental advocates have to say about the Virginia researchers’ study?

“Our key takeaway is that it is no surprise that coal special interests have been checking items off their ‘wish list,’” including the proposed rule rollbacks, said Trish Demeter, vice president of energy policy at the Ohio Environmental Council. “Without a strong backstop, or a groundswell of citizens standing up for clean air, the Trump Administration may be successful in supporting coal interests at the expense of Ohioans’ health.”

What does the study mean for voters?

“If these particular regulations are undermined or not enforced, we collectively in the eastern part of the United States have a lot to lose in terms of important air quality gains,” Thomson said. And many of those people are voters who previously supported Trump.

“I think that when people are given this information, they then think twice about the candidates who have their best interests in mind.” Thomson said.

But that doesn’t mean voters are naïve. “I think this sort of information is not widely known,” Thomson said. The way issues are framed also matters. Many people don’t realize that environmental rules are largely about protecting public health, she noted.

Mother Jones: The Oklahoma Governor's Race Pits Teachers Against Oil and Gas—and Teachers Have a Fighting Chance

"It is not a good time to be running as a hard-line conservative in Oklahoma."

<https://www.motherjones.com/politics/2018/10/edmondson-stitt-oklahoma-governor/>

REBECCA LEBER OCTOBER 30, 2018 6:00 AM

Oklahoma would seem like the least likely of places to be poised for a progressive comeback. The state, which Donald Trump won in 2016 by 36 points, has been under the Republican Party's thumb for nearly a decade. Home to the Senate's most outspoken climate-change denier, Sen. James Inhofe (R-Okla.), and the former embattled Environmental Protection Agency Administrator Scott Pruitt, its capitol grounds famously feature an oil rig, a permanent testament to the power that oil tycoons wield in the state.

But 2018 has been an unusual year in Oklahoma, as in many parts of the United States. After years of tax cuts and declining budgets, a nine-day teacher's strike in April that captured national headlines ended with a union victory: a pay increase and Republicans approving the first new taxes since 1990.

Growing resentment over years of declining education spending, low teachers' pay, and Gov. Mary Fallin's rejection of federal Medicaid expansion have shifted the ground to create a surprisingly competitive open gubernatorial race in a state that has had a sizable GOP supermajority for six years. (Fallin's approval rating has sunk to the teens.)

The GOP candidate, Kevin Stitt, rode the Republican establishment backlash to victory in a primary runoff in August. His pitch to voters is as the outsider businessman who spins his lack of experience and even his nonexistent voting record as a citizen as a qualification. He founded the 1,200-person company Gateway Mortgage Group, which is a defendant in an ongoing case alleging that it sold defective mortgages to Lehman Brothers, contributing to its 2008 bankruptcy that roiled the mortgage business.

Following the reliable narrative of most businessman who try their hands at politics, he insists the government should run more like a company. "It's the same thing I've been doing in the private sector for 25 years," Stitt said in August before winning the runoff against Oklahoma City Mayor Mick Cornett. "I'm not an attorney; I've not been a city councilman who had one vote on a nine-person panel. We've been getting it wrong by hiring people who are more of the political type."

The race "is going to come down to how much energy is still left from the strikes."

Until recently, any Republican would have had an easier ride to victory than Drew Edmondson, who comes from a family of Democratic Oklahoma politicians and easily won the primary in June having been a popular state attorney general. But polls since the primary have shown Edmondson in striking distance in the competitive race, though the most recent surveys still give Stitt a few points' advantage.

The outsider-branded campaign by Stitt—who is otherwise running on a generic Republican platform of opposing the tax increase from earlier this year—may be why Edmondson's own record as a 16-year attorney general hasn't been a focal point in the race. The election pits the traditional power of oil and gas supporting Stitt against the resurgent power of teachers' unions backing Edmondson.

Last winter, I sat with Drew Edmondson at his campaign headquarters in Oklahoma City, just before the Christmas holidays. I was in Oklahoma reporting a story on his successor to attorney general in 2010, then-EPA Administrator Scott Pruitt. Edmondson explained to me his philosophy in being the state's top lawyer, which included major multi-state cases against corporations like the tobacco and poultry industries.

He considered his office to be “the people’s law firm,” implying that during Republican administrations, they approached it differently (Pruitt, for example, focused on suing the federal government over environmental regulations and health care). “I was of the philosophy that we were there to enforce consumer protection laws and antitrust laws and environmental laws,” he said.

As his campaign for governor has played out over the last 10 months, you can see that philosophy expressed in a number of different ways. For one, he has centered his campaign around education and risked opposition from heavy hitters statewide with his proposal to fund investments in public schools, health care, and infrastructure through taxes on oil, cigarettes, and capital gains. Edmondson’s tax, the campaign says, would raise \$300 million to go to infrastructure and education.

All of this is par for the course for a Democratic candidate. But a few years ago, the plan would have been politically impossible, since it goes further than what Republicans passed earlier this year, in response to backlash over Oklahoma’s four-day school weeks and teacher strikes. He proposes a 7 percent gross production tax on the oil and gas industry, eliminating a capital gains’ deduction for high-income earners, and a 50-cent hike on cigarette taxes. Edmondson doesn’t always seek to focus attention directly on that plan. His op-ed for Tulsa World emphasized generic talking points about raising teachers’ pay but included little on how he proposed to fund it.

In effect, though, Edmondson risks doubling the anger from Oklahoma’s powerful oil moguls for hitting their capital gains as well as their fracking wells. The oil industry has intense interest in the matter, demonstrating its concern by spending heavily on the primaries (Stitt was not its first choice). Oklahoman Harold Hamm, a Trump adviser and fracking billionaire who has waged a public campaign against a higher gross production tax, warns flatly, “We need to look for other sources of revenue.” When the legislature passed the oil tax increase this spring in response to the strikes, Hamm sat among the spectators in the gallery.

The gross production tax for the oil and gas industry has come under reconsideration in Oklahoma in the last few years, as the price of oil has declined amid the fracking boom, and oil and gas revenue plunged. But Oklahoma frackers faced especially low tax rates during the most productive early years of a well’s existence, facing overall effective tax rates of 3 percent, according to the Oklahoma Policy Institute. That’s considerably lower than Texas, Utah, and North Dakota, where the rates range from 6 to 8 percent.

In looking for revenue to fund pay hikes after the teacher’s strike, the legislature reluctantly increased the tax rate from 2 to 5 percent for the first three years of a well’s operation, thereby warding off a possible ballot initiative that would have raised it even higher. Of the 19 Republicans who voted against it, eight lost their primaries for reelection, four did not run again, and three face term limits. “It’s been fascinating to see Republicans talk about the need to raise teachers’ salaries and spend more on education and admit they went too far in cutting taxes and talking about the need to do away with oil tax breaks for industry,” says David Blatt, executive director of the left-leaning Oklahoma Policy Institute. “It’s so at odds with 40 years of Republican orthodoxy and even more at odds with what’s being said in DC.”

It’s possible the existing hike might have diminished some of the momentum behind Edmondson’s plan to increase the same tax to 7 percent. Gary Allison, sustainability law professor at the University of Tulsa, observes that in assessing how Edmondson’s pitch will go over with voters, the race “is going to come down to how much energy is still left from the strikes.”

Oklahoma voters have recently rewarded, not punished, politicians for taking on the state’s heavy hitters.

“There just isn’t the knee-jerk opposition to taxes that we’ve been accustomed to for a long, long time,” says Blatt. “Right now, it is not a good time to be running as a hard-line conservative in Oklahoma.”

Biomass: Another Year of Uncertainty for Biofuels

<http://www.biomassmagazine.com/articles/15690/another-year-of-uncertainty-for-biofuels>

By Michael McAdams | October 30, 2018

As we approach the end of 2018, we reflect on a year that was full of surprises for the biofuels industry. What stands out the most was former U.S. EPA Administrator Scott Pruitt's application of small refinery exemptions (SREs) under the Renewable Fuels Standard to purposefully lower the value of D6 RIN credits. This action was not prompted by "disproportionate economic harm," as was purported. Rather, this was a clear abuse of power to deliver the economic outcome that Pruitt personally desired for his supporters in the refining industry. In the end, he successfully transferred hundreds of millions of dollars from parties in compliance with the RFS to parties who were not.

Including exemptions granted to parties who had never before received them, the agency has now granted nearly 50 exemptions for compliance years going back to 2015. This exempted 2.25 billion RINs that were dumped into the market for 2018, creating a surplus of RINs for the current compliance year. Because of these extra RINs in the marketplace, in 2018, we will ultimately not blend the mandated 19.88 billion gallons. In this manner, these SREs have essentially undercut the proposed renewable volume obligations for the entire year, and if the situation is not rectified, it will continue to do so in 2019.

Since the news of these SREs began to leak in March, the price of the conventional D6 RIN has dropped significantly. Today, the price differential is in the neighborhood of 60 cents. The D4 biomass-based diesel RIN has also dropped to a four-year low to under 40 cents.

It is evident that EPA somehow altered the criteria it utilizes for granting these exemptions without any publically disclosed process. When evaluating the applications for these exemptions, up until now, EPA has required all of the mandated criteria to demonstrate disproportionate economic harm be met, not just some of the criteria. Now, we do not know what standard is being applied. So far, the Advanced Biofuels Association has yet to receive a response to its Freedom of Information Act request for information on the who, what, when and how these SREs were granted. It has been over five months since we filed the request.

Acting EPA Administrator Andrew Wheeler has made some progress toward increasing transparency for these SREs since taking the helm at EPA. In the past month, the agency has launched a dashboard to track the number of SREs applications received, the number granted for each compliance year, and the volume of gallons affected by these exemptions. This is a good first step, but we remain in the dark regarding who received these exemptions, when they received them, and on what grounds the determination of "disproportionate economic harm" was made.

Ultimately, we remain concerned that without intervention from the court, EPA will move forward with the same approach on SREs in 2019, and that the exemptions will have similar effects on the RIN market in the coming year. This would be devastating, particularly for those in the biomass-based diesel space, where producers report that demand was reduced significantly as a result of the compliance waivers. The RFS statute never intended for these waivers to have a 15 percent impact on the overall RVO. At this level, they undermine the entire intent of the program as written by Congress. As the acting administrator observed, at least it will be more difficult to argue disproportional economic harm for these small refineries when the D6 RIN price has dropped by approximately 75 percent for the majority of 2018.

Industry stakeholders must continue to insist that EPA increase transparency on when, and on what grounds, they grant these waivers. There are currently three lawsuits pending before the federal court, challenging the EPA's ability to increase by four times the number of waivers granted for any previous year. Hopefully, the court will shed some light on

what happened, and direct the agency to be more judicious in its application of the standard. Otherwise, 2019 stands to be another year of confusion and lack of certainty for the RFS program.

Washington Examiner: Daily on Energy: A Wolf in green clothing: How a Democrat gets by in a fracking state

<https://www.washingtonexaminer.com/daily-on-energy-a-wolf-in-green-clothing-how-a-democrat-gets-by-in-a-fracking-state>

by John Siciliano & Josh Siegel | October 30, 2018 12:28 PM

A WOLF IN GREEN CLOTHING: HOW A DEMOCRAT GETS BY IN A FRACKING STATE: Pennsylvania Gov. Tom Wolf has managed to dodge a lot of criticism over fracking in the last two years, after previously facing a lot of pushback in the run-up to the 2016 presidential elections.

As a Democrat in the largest fracking state in the East, Wolf has faced critics trying to cut him down for not doing enough on climate change and stopping oil and natural gas drilling in the Keystone State.

Trump helps Wolf get around the critics: But it could be that President Trump's policies have done Wolf a great service, forcing more left-leaning environmentalists to back a Democrat in a sea of Republican challengers going into next week's midterms.

Environmental billionaire Tom Steyer endorsed him early in flooding the state with money to oppose Republican candidates seen as supportive of Trump-style policies. And the anti-fossil fuel movement backed by Bill McKibben's 350.org hasn't paid Wolf that much attention since 2016 for not doing enough on climate change.

Moving to the middle on fracking: Wolf has struck a middle ground in Pennsylvania, imposing a fracking moratorium limited to state parks, while not touching the energy boom on private lands.

He also agreed to a joint resolution announced last month with Delaware and New York under the Delaware River Basin Commission to issue draft regulations to permanently ban hydraulic fracturing in the Delaware River Basin.

"Governor Wolf knows we must strike the right balance with Pennsylvania's growing energy economy, and he knows our state parks and forests are unique assets that should be preserved, protected, and utilized by our residents for recreational purposes," his reelection website reads.

Wolf has sought to boost his state's commitment to renewable energy with a new loan program for solar.

However, critics say he is avoiding taking steps to address climate change, satisfied with pointing out the lack of knowledge on the issue by his Republican challengers.

"Incumbent Democrat Tom Wolf and Republican challenger Scott Wagner acknowledge climate change is happening, but neither had made addressing it a top priority," wrote NPR reporter Marie Cusick last week in a report entitled "Climate change: A crisis for humanity, but not a big deal in the Pa. governor's race."

...MEANWHILE, MEMORIES OF PARIS IN PITTSBURGH LINGER: Democratic Pittsburgh Mayor Bill Peduto made Trump's withdrawal from the Paris climate accord into a local-pushback moment last year.

Peduto defiantly refuted his and the city's support for pulling out of the Paris deal after Trump co-opted Pittsburgh for sloganeering.

"I was elected by voters of Pittsburgh, not Paris," said Trump on June 1, 2017, in withdrawing from the deal. "I promised I would exit or renegotiate any deal which fails to serve U.S. interests."

Peduto lashed back on Twitter, saying: "As the Mayor of Pittsburgh, I can assure you that we will follow the guidelines of the Paris Agreement for our people, our economy & future."

Peduto has declined Trump's invitation to join him as he visits Pittsburgh in the wake of Saturday's shooting at a Jewish synagogue in the neighborhood of Squirrel Hill that killed eleven.

Peduto had suggested on Monday that Trump not make the visit so soon after the tragedy. Trump will make the Pittsburgh visit the top of his Tuesday agenda.

A MULVANEY MOMENT NOT TO REMEMBER: White House Office of Management and Budget chief Mick Mulvaney bowed out of giving the keynote at a conference later this week on the U.S.-Saudi relationship, but an updated agenda issued Monday makes out like he was never there.

John first reported on Friday that Mulvaney had declined giving the keynote speech at the National Council on U.S.-Arab Relations' annual policymakers summit in Washington that kicks off Wednesday.

Mulvaney's cancellation came amid the ongoing row between Saudi Arabia and the U.S. over the murder of Saudi journalist Jamal Khashoggi. Mulvaney declined to speak after Treasury Secretary Steven Mnuchin canceled a speaking engagement in Riyadh following the murder of the journalist in Istanbul, Turkey.

The Council did not respond to requests for comment after Mulvaney's office told John of the cancellation without further explanation.

Instead, the group tweeted out an updated schedule on Monday completely scrubbed of any mention of Mulvaney.

Sanctions run-up: Mulvaney canceled the remarks as the White House moves to reimpose oil sanctions on Iran in a week, and the White House is conducting its own investigation into Khashoggi's death that could lead to congressionally-imposed sanctions on Saudi Arabia.

Taking Mulvaney's place: Former CIA chief and retired Army general David Petraeus will take centerstage with Mulvaney gone. Petraeus made comments at a conference in Bahrain over the weekend, decrying Iran's destabilizing role in the Middle East and supporting reimposed sanctions. Petraeus, like Mnuchin, had cancelled his attendance at a Saudi investment conference earlier this month.

DC'S 100 PERCENT RENEWABLE ENERGY BILL GETS 'CONSENSUS' SUPPORT: An all-day public hearing on Monday with more than 100 speakers showed strong support for Washington D.C.'s push to move entirely renewable electricity by 2032.

Almost all of those who testified spoke positively about the bill, although some suggested changes.

"I haven't heard anyone say 'kill the bill,'" said Jamie DeMarco, who focuses on state and local policy for Citizens' Climate Lobby, during his testimony at a D.C. Council committee hearing on the 100 percent renewable energy bill. "That is as close to consensus as humanly possible."

City councilwoman Mary Cheh's bill could be voted on by the end of the year, after receiving its second hearing Monday, this one in the Committee on Business and Economic Development.

There were a few qualms: Erika Wadlington, director of government relations at the D.C. Chamber of Commerce, expressed support for the bill's goals but contested a provision that would require electricity suppliers to engage in long-

term contracts for renewable energy. Wadlington testified that the long-term contracts, meant to encourage investment in wind and solar, would lock in rates that could fall out of step with changing market conditions.

Other witnesses said the legislation should expand to allow for carbon-free “clean” energy sources that aren’t renewable to account for the 100-percent target.

AFTER HURRICANE FLORENCE, NORTH CAROLINA GOVERNOR SETS CLIMATE GOALS: North Carolina Gov. Roy Cooper, a Democrat, announced an executive order Monday to cut the state’s greenhouse gas emissions, encourage the sale of electric vehicles, and protect the state from future storms after Hurricane Florence struck last month.

In the order, Cooper sets goals to be achieved by 2025.

What the goals are: He wants to reduce North Carolina’s greenhouse gas emissions to 40 percent below 2005 levels and boost the number of zero-emission, electric or hybrid plug-in vehicles driving on the state’s roads to at least 80,000. He seeks to reduce energy consumption in state-owned buildings by at least 40 percent from fiscal year 2002-2003 levels.

Cooper needs Republican support to succeed: Republicans maintain a supermajority in the state legislature, so Cooper will need cooperation..

While many North Carolina Republicans support renewable energy and electric vehicles for their economic benefits, the party is traditionally opposed to government mandates.

EPA’S WHEELER TO SIGN RULE EXEMPTING REPORTING OF ANIMAL WASTE EMISSIONS: EPA Acting Administrator Andrew Wheeler on Tuesday will sign a proposed rule exempting animal waste emissions from reporting requirements during a visit to Kansas City, Kan.

Wheeler is hosting a roundtable with Sen. Jerry Moran, R-Kan., and agriculture and emergency management leaders. There, Wheeler will sign the animal waste rule, Moran’s spokesperson Morgan Said told Josh.

Earlier this year, Congress passed the Fair Agricultural Reporting Method Act, which exempts animal waste emissions from the Comprehensive Environmental Response, Compensation, and Liability Act. But according to Said, Wheeler’s rule would also apply to reporting of animal waste emissions under the Emergency Planning and Community Right-to-Know Act. That law requires industry to report on the releases of hazardous substances to the government. Agricultural industry interests argue emissions from manure on their farms do not constitute an emergency activating a cleanup response.

EPA GETS TESTY OVER REPORTS OF EMISSIONS COVER UP: The EPA on Tuesday slammed media reports that it “inaccurately misrepresented” its actions in curbing toxic ethylene oxide emissions at the Sterigenics facility in Willowbrook, Illinois, as part of a cover-up.

“When informed in June 2018 of Region 5’s monitoring results, EPA leadership acted decisively, working with state and local governments and others to lower EtO emissions at the facility and communicate risk to the public in a responsible way,” the agency said in a sternly-worded release.

The Chicago Tribune reported on Friday that Republican Gov. Bruce Rauner’s administration knew in December that toxic air pollution coming from the Sterigenics plant was likely responsible for some of the highest cancer risks in the nation, according to documents it obtained.

The newspaper reported that the governor's office and the Rauner-led Illinois Environmental Protection Agency kept the "politically explosive" information under wraps for eight months, then downplayed the dangers posed by the company, which is owned in part by the governor's former private equity firm.

Records also showed that Trump's EPA worked with the Rauner administration between December and August to investigate Sterigenics and discuss potential solutions, deferring to the Trump administration on "when and how the public was told about what insiders understood months earlier," the paper reported.

ENERGY CONSULTANCY RUES HIGHER PREDICTED WINTER HEATING PRICES: Consulting group Stratas Advisors released a report Monday highlighting rising home heating bills predicted this winter for U.S. households who use heating oil as their primary fuel.

The Energy Information Administration expects home heating oil bills to rise an average of 20 percent this winter. Stratas Advisors says that higher crude oil prices, as a result of tightening supply, are the primary reason for rising home heating costs. The group says the weather is not to blame, noting that the National Oceanic and Atmospheric Administration doesn't expect the U.S. to face an especially cold winter.

NEW GE CHIEF SLASHES DIVIDEND AS US REVIEWS \$22 BILLION POWER WRITEDOWN: General Electric is cutting its dividend for the third time in a decade, a move that will save \$3.9 billion a year, as new Chief Executive Officer Lawrence Culp works to restore the conglomerate's fortunes after a large, ill-timed expansion in its power business. GE posted a quarterly loss of \$22.9 billion, largely due to a \$22 billion writedown in the power unit. Both the Securities and Exchange Commission and the Department of Justice are reviewing the charge.

Culp, the former CEO of Danaher, was appointed to GE's top job at the start of October, replacing John Flannery, who presided over a 54 percent drop in the company's stock during a little more than a year at the helm after Jeff Immelt's departure.

Bloomberg: As Prairies Get Plowed for Biofuels, Green Groups Demand EPA Act

<https://www.bloomberg.com/news/articles/2018-10-30/as-prairies-get-plowed-for-biofuels-green-groups-demand-epa-act>

By Jennifer A Dlouhy- October 30, 2018, 12:00 PM EDT

- Environmentalists file petition seeking lower biofuel quotas
- Federal law sets limits on what land can be used for biofuel

More than a dozen environmental and conservation groups filed a petition Tuesday alleging that the EPA is illegally looking the other way as farmers plow over prairies and wetlands to grow corn needed to satisfy a U.S. biofuel mandate.

The Sierra Club, the National Wildlife Federation and other organizations asked the Environmental Protection Agency to force biofuel producers to prove the crops they use come from lands cultivated before Dec. 19, 2007, a benchmark under U.S. law.

The petition acts as a warning shot, signaling that if the EPA doesn't address the issue, the groups could take the agency to court over it. The move marks the escalation of a battle over the U.S. Renewable Fuel Standard, a law that compels refiners to use corn-based ethanol and soybean-based biodiesel. Once heralded as a cleaner, safer alternative to foreign oil, biofuels are now being questioned by environmentalists who dispute their green credentials.

"Millions of acres of previously uncultivated land have been converted to cropland" to satisfy the biofuel mandate "with far-reaching, deleterious environmental impacts," the environmentalists say in their filing. "Our air, water, land and wildlife are all suffering as a result."

Read: As Corn Devours U.S. Prairies, Greens Reconsider Biofuel Mandate

It wasn't supposed to be this way. When Congress expanded the Renewable Fuel Standard as part of broad energy legislation in 2007, environmentalists pushed for safeguards designed to prevent land conversion, including a requirement that biofuels accepted under the program only come from previously farmed tracts. But instead of verifying that biofuel comes from crops grown on eligible, already cultivated land, the EPA chose to assess agricultural land use in aggregate.

The activists say the EPA's broad approach of only looking at national cropland totals obscures the real picture on the ground, because net acreage can remain the same nationwide if native grasses are plowed to grow corn for ethanol while existing farms are turned into subdivisions and shopping malls. The EPA approach also violates the Renewable Fuel Standard's "clear and unambiguous restriction" on land conversion, while undermining the measure's intended climate and environmental objectives, they argue.

The activists are demanding the EPA end its aggregate approach, write new regulations requiring biofuel producers to prove the crops they use come from lands that were already cleared or cultivated prior to 2007, and lower annual biofuel quotas.

The EPA itself concluded in a June report that actively managed cropland has increased by 4 million to 7.8 million acres since 2007, with crop production for biofuels driving much of the increase. Corn acreage has also gone up by approximately 10 million acres during the same time frame, the EPA report said.

Fertilizer runoff associated with growing crops for biofuel production may contribute to a dead zone and harmful algal blooms in the Gulf of Mexico that jeopardize sturgeon, sea turtles and other marine life, the EPA said. Conservationists

say that when prairies are broken up by farmland that is inhospitable to wildlife, it isolates small communities of butterflies, whooping cranes and other animals that may be unwilling to leave their native habitat. And environmentalists argue that when land is converted to grow crops, the existing vegetation is destroyed and the soil is tilled, releasing once-stored carbon dioxide into the atmosphere.

Biofuel advocates say the alternative -- more oil-based gasoline -- is worse. And they dispute claims that ethanol production drives habitat loss. For instance, in November, the Renewable Fuels Association criticized the methodology used for a study documenting increases in cropland around ethanol manufacturing facilities, arguing it misrepresented "unreliable satellite data" and used "highly uncertain modeling" to generate questionable results.

The trade group argues the amount of cropland used to produce corn has decreased from 2007 levels as yields have expanded: "The additional corn needed to support expansion of the ethanol industry came from increased productivity on existing cropland -- not from converting native grasslands into new cropland."

Today, most of the U.S. biofuel mandate is fulfilled by conventional, corn-based ethanol. Although Congress envisioned the law would help spur alternatives using switchgrass, algae and other non-edible plant materials, those next-generation biofuels have been slow to penetrate the market.

"Corn ethanol was always supposed to be a bridge to a truly sustainable biofuel future," said Collin O'Mara, president of the National Wildlife Federation. "We're stuck on the bridge because we've created an incumbent industry that is so heavily subsidized at this point that there is no incentive for investors to invest in the more-risky next-generation alternatives."

E&E News: EPA defends actions at facility tied to Ill. Governor

<https://www.eenews.net/greenwire/stories/1060104725>

Corbin Hiar, reporter- Tuesday, October 30, 2018

EPA air chief Bill Wehrum told lawmakers that his agency is working to address emissions of ethylene oxide from a facility outside Chicago. Senate Environment and Public Works Committee

EPA today provided a detailed timeline of its efforts to address dangerously high levels of carcinogenic emissions from a medical cleaning company with ties to Illinois' embattled Republican governor.

Late last year, EPA started working with Sterigenics International — a company owned by the private equity firm Gov. Bruce Rauner co-founded — and the Rauner administration to determine how big of a threat cancer-causing ethylene oxide emissions from a Sterigenics plant outside of Chicago posed to the public, the agency release said.

Initial EPA testing found the emissions levels closest to the plant could cause cancer in 1,000 people out of a group of 1 million, "exceeding our typical upper limit of cancer risk acceptability," Ed Nam, the director of EPA's regional air and radiation division, wrote to Sterigenics and the Rauner administration. The Dec. 22, 2017, letter was first reported by the Chicago Tribune.

In June of this year, the agency also began working to "contextualize and communicate" the results of its emissions monitoring and "reviewed and approved" additional pollution controls and testing procedures for the plant, EPA's release said.

Later in the summer, the Tribune broke the news that EPA had found elevated cancer risks near the plant.

The emissions were "not an emergency," Rauner initially told the public. "This is not a public health immediate crisis" (Greenwire, Aug. 29).

In September, Sterigenics tested its facility's new air scrubbers and found that they had "a control efficiency above 99 percent," EPA said. EPA air chief Bill Wehrum also communicated that information to Rauner and other elected officials (E&E News PM, Sept. 27).

But earlier this month, the governor, who is trailing in his re-election bid, according to recent polls, joined a chorus of elected officials who were calling for the Sterigenics facility to be shut down (Greenwire, Oct. 3).

Rauner's most recent statement of economic interests shows he is still a part owner of GTCR LLC, the private equity firm that bought Sterigenics in 2011 for \$675 million.

EPA is currently reviewing its own testing of the facility's pollution controls "to inform additional risk assessment and ambient air monitoring work," the agency said. And the agency plans to hold a public meeting with elected officials and community leaders in late November, according to the release.

EPA claimed it released the timeline in an effort to rebut "recent media reports" that have "inaccurately misrepresented" the agency's involvement in addressing the Sterigenics cancer scare. But EPA didn't immediately respond to a request for more information about the media reports it was referring to.

Tricks or Treats? Here Are Washington's 174 Biggest Rules And Regulations In The Pipeline

<https://www.forbes.com/sites/waynecrews/2018/10/30/tricks-or-treats-here-are-washingtons-174-biggest-rules-and-regulations-in-the-pipeline/#1525212ac8d0>

Clyde Wayne Crews Jr. - 10/30/18

The White House Office of Management and Budget (OMB) recently reported on which “significant regulatory actions” were added and subtracted in fulfillment of President Trump’s one-in, two-out requirement.

President Trump held a session at the White House marking the occasion.

U.S. President Donald Trump, right, speaks while meeting with workers in the Oval Office of the White House during a "Cutting the Red Tape, Unleashing Economic Freedom" event in Washington, D.C, U.S., on Wednesday, Oct. 17, 2018. Photographer: Andrew Harrer/Bloomberg

The administration got rid of four significant regulatory actions for every one significant action adopted, as we discussed here. There were 57 significant deregulatory actions completed, and 14 regulatory ones.

A reprieve from Washington’s regulatory ways began in 2017, but there are thousands of federal rules and regulations every year, in every administration, including this one.

Some additional rules were cut that did not meet the “significant” threshold. Furthermore, independent agencies and their rules are not officially counted in Trump’s rollback, although there were and are deregulatory moves at bodies like the Federal Communications Commission and the Consumer Financial Protection Bureau.

Alongside the two-for-one update, the White House’s new fall 2018 *Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions* has appeared. In the Agenda, the administration has presented priorities for regulating and deregulating.

The most substantial rules in the Agenda are classified as “economically significant,” which loosely means they have \$100 million in effects. These are closely related to the “significant” regulatory actions falling under Trump’s E.O. 13771, but more narrowly defined.

Where's The Talent? Employers And Communities Need More Than Passion

The Fall 2018 *Unified Agenda of Federal Regulatory and Deregulatory Actions* reports on 3,534 rules and regulations at the “active,” “completed” and “long-term” stages of the regulatory pipeline (compared to 3,209 last year), many of them holdovers from earlier volumes.

Among these, there were 174 economically significant rules in the pipeline: 118 active (pre-rule, proposed or final prep); 25 recently completed final rules; and 31 long-term planned actions.

The overall flow of economically significant rules in Trump’s Fall Unified Agenda is 27 percent lower than Obama’s was in 2016, when there were 193 entries, but higher than his own 140 last year.

Since a rule to deregulate is also a rule, Trump’s figures also contain numerous rules that are deregulatory in nature; one must write a new rule to get rid of an existing one. **Of Trump’s 174 economically significant rules in the pipeline, 38 are deregulatory**, broken down like this:

Economically Significant Rules and Regulations in the Pipeline

	Total	Deregulatory	Regulatory
Completed (since the spring Agenda)	25	11	4
Active (proposed, final, pre-rule)	118	26	41
Long-term	31	1	13
Total:	174	38	58

Some of the Trump's economically significant actions in the pipeline are avowedly regulatory; and there are, alas, **an even greater number regulatory than deregulatory actions** in both the active and long-term phases.

But as these rules approach and reach completion, they must be offset by other significant rules.

Just in time for Halloween, the full list of the 174 economically significant rules and regulations in the pipeline appears below, broken down by stage of completion (Active, Completed, Long-term); and within each of those three categories, by department or agency.

Again, thirty-eight of these are deemed deregulatory; 58 are deemed regulatory. The entries appear below (without analysis at this point).

Feedstuffs: EPA finalizes changes to EPCRA emissions reporting

Rule clarifies that farms would not be required to report air releases from animal manure.

<https://www.feedstuffs.com/news/epa-finalizes-changes-epcra-emissions-reporting>

Jacqui Fatka 1 | Oct 30, 2018

U.S. Environmental Protection Agency acting administrator Andrew Wheeler was joined by U.S. Sen. Jerry Moran (R., Kan.) and stakeholders from agriculture and emergency management to sign a proposed deregulatory rule Tuesday to solidify the elimination of a needless reporting requirement for animal operators.

The Fair Agricultural Reporting Method (FARM) Act fixed a problem created in April 2017 when a U.S. court of appeals rejected a 2008 EPA rule that exempted farmers from reporting routine farm emissions under the Comprehensive Environmental Response, Compensation & Liability Act (CERCLA). Commonly known as the “Superfund law,” CERCLA is used primarily to clean hazardous waste sites but also includes a mandatory federal reporting component.

Related: EPA codifies latest animal waste report exemptions under CERCLA

The appeals court ruling would have forced tens of thousands of livestock farmers to “guesstimate” the emissions from manure on their farms and report that to the U.S. Coast Guard’s National Response Center, leaving them subjected to citizen lawsuits from activist groups.

EPA’s latest proposed rule would exempt farmers from reporting to state and local first responders under the federal Emergency Planning & Community Right-to-Know Act (EPCRA) – an adjunct to CERCLA – that they have “hazardous” emissions on their farms.

Related: Court issues stay on emissions reporting

The FARM Act, passed on March 23, 2018, exempted farms from the requirement to submit emergency release reports to the Coast Guard’s National Response Center for air releases from manure under the CERCLA.

The rule proposed by EPA Tuesday is the result of the agency considering the intent of Congress to produce a commonsense approach to handling this issue under the nation’s emergency planning framework. Moreover, in light of ongoing efforts to improve and enhance communication between farmers and local emergency responders at the state and local levels, this requirement is not needed.

“The rule announced is the final piece in the implementation of the FARM Act, which passed Congress earlier this year and which eliminated the need for livestock farmers to estimate and report to the federal government emissions from the natural breakdown of manure,” said National Pork Producers Council resident Jim Heimerl, a pork producer from Johnstown, Ohio. “That bipartisan measure was approved because it was unnecessary and impractical for farmers to waste their time and resources alerting government agencies that there are livestock on farms.”

The U.S. Poultry & Egg Assn., National Chicken Council, National Turkey Federation and United Egg Producers commended EPA for its proposed changes.

The poultry and egg industry groups said, “The removal of this unnecessary burden will ensure that emergency first responders’ important effort and time is not wasted on responding to non-emergencies. We look forward to working with local emergency planning commissions and emergency first responders to help them be familiar with how our poultry and egg facilities operate, so if there is a true emergency, their safety and efforts are enhanced.”

The groups said Congress made it clear in passing the FARM Act earlier this year, which the poultry and egg industry strongly supported, that it did not intend to cover low-level air releases from the natural degradation of manure as an emergency notification under federal emergency response laws.

“The pork industry wants regulations that are practical and effective, but applying CERCLA and EPCRA to livestock farms would be neither,” Heimerl added. “Pork producers are very strong stewards of the environment and have taken many actions over the years to protect it.”

Smithfield Foods, the world’s largest pork producer and hog processor, is expanding its Smithfield Renewables platform – its industry-leading carbon reduction and renewable energy efforts – to help meet its goal of reducing greenhouse gas emissions 25% by 2025. For example, over the next 10 years, it will implement manure-to-energy projects at 90% of its hog finishing spaces in North Carolina and Utah and at nearly all finishing spaces in Missouri and will convert existing anaerobic lagoons to covered digesters or construct new covered digesters to capture biogas.